

REMARKS/ARGUMENTS

Claims 1-9 have been canceled without prejudice and new claims 10-23 added. New claims 10-25 are directed to methods of preparing a water-dispersible liquid vitamin food additive for animals. Support for new claims 10-25 can be found throughout the specification and originally filed claims. Specifically, support for new claim 10 can be found in originally filed claims 1 and 5. Support for claim 11 is found in Examples 1-5. Support for claims 12 and 13 can be found in original claims 3 and 4, respectively. Claim 14 is supported by page 3 lines 16-18 of the description; claim 15 is supported by page 3 lines 7-9; and claim 16 is supported by page 2 lines 12-14. Claims 17, 18, 19 and 20 are supported by Examples 1, 2, 3 (and 5) and 4; claim 21 finds support in original claim 7; claims 22-25 find support in original claims 8 and 9. No new matter has been added.

In the Office Action mailed April 14, 2003, the Examiner maintained the rejection of claims 1-9 under 35 USC 103(a) as being unpatentable over Kardys in view of Tipton et al.. In the present submission, claims 1-9 have been canceled without prejudice and replaced with new claims 10-23 drawn to methods of preparing a water-dispersible liquid vitamin food additive for animals.

U.S. Patent 3,932,634 (Kardys) teaches a non-aqueous, readily water-dispersible vitamin composition which comprises 25-55% by weight of oil-soluble vitamin A, vitamin D2, vitamin D3, vitamin E or combinations thereof, and 35-85% of an emulsifier. In one case only, that is Example X, propanol is added.

The process of the invention results in a higher amount of vitamins (up to 90%), and a lower amount of emulsifier (5 to 50%) in the food additive compared to Kardys. The claimed methods also require adding a C1 to C6 alkyl lactate which is not described in Kardys.

U.S. Patent 3,392,634 (Tipton) teaches the use of a solvent such as ethanol or ethyl lactate in an amount in the range from 5-55% to lower the viscosity of a composition comprising a non-polymeric, non-water soluble high-viscosity liquid carrier material of viscosity of at least 5,000 cP at 37 C that does not crystallize neat under

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ambient or physiological conditions and a substance to be delivered, before injection of the composition. The solvent is not used to dissolve the active substance. Consequently, the teachings of Tipton do not overcome the deficiencies of Kardys. The methods of claims 10-25 are not obvious over Kardys in view of Tipton.

In view of the above, the present application is believed to be in a condition ready for allowance. Reconsideration of the application is respectfully requested and an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Date: October 14, 2003

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